

ORDINANCE 86-57

To Amend Chapter 2.04 of the Bloomington Municipal Code Entitled
"Common Council" (Re: Mayoral Veto of Zoning Ordinances)

WHEREAS, IC 36-7-4-609 was amended by the State Legislature, effective September 1, 1986, to provide that "each city shall determine whether its zoning ordinances will be subject to veto by the executive of the city"; and

WHEREAS, The Common Council desires that the Executive shall exercise this right:

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

Section I. Section 2.04.350 "Veto Procedure" of Chapter 2.04 of the Bloomington Municipal Code shall be amended to add the following subsections:

- (b) Further, in conformance with I.C. 36-7-4-609 "Vote Required for Legislative Action", as amended, each zoning ordinance adopted by the City under I.C. 36-7-4-606, 607, or 608 may be vetoed by the executive of the city. The executive must exercise the veto:
- (1) In a case in which the legislative body adopted (as certified the proposal, within ten (10) days after the legislative body acts;
 - (2) In a case in which the legislative body amends the proposal and the plan commission approves the amendment or fails to act, within fifty-five (55) days after the proposal is returned to the plan commission for its consideration;
 - (3) In a case in which the legislative body amends the proposal and confirms its original amendment by another vote, within ten (10) days after the legislative body confirms its original amendment; or
 - (4) In a case in which the proposal is to take effect because of the legislative body's failure to act within a period of days, within ten (10) days after the expiration of that period.
- (c) If a city zoning ordinance is not vetoed under subsection (b), it takes effect without any action being taken by the executive of the city;
- (d) If a city zoning ordinance is vetoed under subsection (b), it is defeated unless the city legislative body, at its first regular or special meeting after receiving the veto message, passes the ordinance over the veto by a two-thirds (2/3) vote.

SECTION II. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval by the Mayor.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 5 day of November, 1986.

James C. Regester
JAMES C. REGESTER, President
Bloomington Common Council

ATTEST:

Patricia Williams
PATRICIA WILLIAMS, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 6th day of November, 1986.

Patricia Williams
PATRICIA WILLIAMS, City Clerk

SIGNED and APPROVED by me upon this 6th day of November, 1986.

Tomilea Allison
TOMILEA ALLISON, Mayor
City of Bloomington.

SYNOPSIS

This Ordinance, sponsored by Councilmember Murphy, provides that City zoning ordinances will be subject to veto by the executive of the City. Recent amendments in State law require cities to make this determination by general ordinance.

Mayor

Regester

Williams